

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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Illinois Commerce Commission
RAIL SAFETY SECTION

THE BI-STATE DEVELOPMENT AGENCY)
OF THE MISSOURI-ILLINOIS DISTRICT,)
a body corporate and politic created and)
existing by reason of a joint compact)
between the States of Missouri and Illinois)

Case No. T02-0036

Petitioner,)

vs.)

ILLINOIS COMMERCE COMMISSION,)

Respondent.)

**PETITIONER'S REPLY BRIEF OF EXCEPTIONS
TO PROPOSED ORDER**

Comes now the Petitioner, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("BSDA"), and for its Reply Brief of Exceptions to the Chief Administrative Law Judge's Proposed Order, states to the Commission as follows:

BSDA has read and reviewed both the Proposed Order of the Chief Administrative Law Judge dated June 20, 2002, and the Illinois Commerce Commission Staff's Brief on Exceptions to the Proposed Order, as filed July 2, 2002. BSDA fully agrees with all of the technical/clerical changes proposed by the Staff with respect to the Order. BSDA further agrees with the Staff's recommendation that a paragraph be added to the Order summarizing the safety history for the first three at-grade MetroLink crossings in the City of East St. Louis that have been in continuous and accident-free operation since 1993, and that the Commission approve BSDA's request for a variance from the horn sounding requirements and grant permission for BSDA to be excused from sounding its horn at the Main Street, Fourth Street and Broadway crossings.

BSDA proposes as a further modification to the Proposed Order that the horn sounding requirements at Missouri Avenue, St. Louis Avenue and Martin Luther King be modified from both the Commission's horn sounding requirements and the proposed requirements of the Proposed Order based on the limited distance between each of these three at-grade crossings. The distance between the center of the Missouri Avenue and St. Louis Avenue crossings is 667 feet. The distance between the center of the St. Louis Avenue and Martin Luther King crossings is 675 feet. Thus, to the extent that a 700-foot horn sounding is required at these crossings, the horn blasts would overlap from crossing to crossing. As an example, when traveling 55 mph eastbound, the train would be required to make its first horn blast for the Martin Luther King crossing at 700 feet which is actually before entering the preceding St. Louis Avenue crossing. Thus, at those locations where the crossings are within 700 feet and where the train would be traveling at a speed to warrant a first horn blast at 700 feet, the horn sounding requirements should be further modified to only require two blasts: one at 400 feet and one at 150 feet. The proposed horn blast at 700 feet will still occur since the train will be blowing a continuous blast as it enters the preceding crossing. Based on the closeness of certain crossings and the overlapping nature of the horn sounding requirements, BSDA seeks to only be required to blow the train horn at 400 feet and 150 feet between the St. Louis Avenue, Missouri Avenue and Martin Luther King crossings and that BSDA be required to post horn sounding markers (whistle boards) at 400 feet instead of 700 feet between these crossings.



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